

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JAMES W. HARPEL, )  
Plaintiff, ) Civil Action No.: 1:12-cv-10280-RWZ  
v. )  
RONALD A. NICHOLSON )  
Defendant. )

**LOCAL RULE 16.1 AGENDA AND JOINT STATEMENT**

Pursuant to this Court's Notice of Scheduling Conference and in accordance with Fed. R. Civ. P. 26(f) and District of Massachusetts L.R. 16.1(d), the parties respectfully submit the following Agenda and Joint Statement.

**I. Agenda of Matters to be Discussed at the Scheduling Conference**

- A. Rule 26(f) Conference and Initial Disclosures
- B. Proposed Pretrial Schedule
- C. Status of Settlement Offer
- D. Trial by Magistrate Judge
- E. Certification
- F. Protective Order

**II. Rule 26(f) Conference and Initial Disclosures**

Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.1(b), counsel for the parties conferred on October 22, 2012 regarding a proposed pretrial schedule. The Parties already have exchanged their Fed. R. Civ. P. 26(a) Initial Disclosures on November 6, 2012.

### III. Proposed Pretrial Schedule

<b>Event</b>	<b>Deadline</b>
File all motions to amend the pleadings and add parties	180 days after entry of Scheduling Order
All fact discovery pursuant to Fed. R. Civ. P. 26, 33-36 to be completed within 300 days after entry of Scheduling Order.  Depositions by oral examination pursuant to Fed. R. Civ. P. 30-32 and 45 are stayed until 150 days after entry of Scheduling Order.	300 days after entry of Scheduling Order
Plaintiff identifies trial expert(s) and serve expert report(s)	30 days after completion of all fact discovery
Defendant identifies trial expert(s) and serve expert reports	60 days after Plaintiff's designations and reports
Plaintiff serves rebuttal expert reports(s)	30 days after Defendant's designation and reports
Complete expert depositions	30 days after completion of expert reports
Deadline for filing Rule 56 motions	30 days after completion of expert reports
Settlement Conference	45 days after completion of experts reports
Final pretrial conference	60 days after deadline for Rule 56 motions

**IV. Status of Settlement Offer**

Pursuant to Local Rule 16.1(c), Plaintiff has presented a written settlement offer to Defendant. Counsel for Defendants have conferred with their clients regarding the subject of settlement.

**V. Trial by Magistrate Judge**

At present, none of the parties consents to a trial by a United States Magistrate Judge.

**VI. Certification**

The parties are filing certifications pursuant to Local Rule 16.1(d)(3) separately with the Court.

**VII. Protective Order**

The parties have conferred and agree upon a protective order governing the disclosure of confidential information which they intend to present to the Court for its consideration.

Dated: November 6, 2012

Respectfully submitted,

/s/ Daniel J. Murphy

Paul McDonald (Admitted *Pro Hac Vice*)  
Daniel J. Murphy, BBO No. 656021  
BERNSTEIN SHUR  
100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029  
(207) 774-1200  
*Attorneys for Plaintiff James W. Harpel*

Daniel G. Gurfein (Admitted *Pro Hac Vice*)  
James Regan (Admitted *Pro Hac Vice*)  
Satterlee Stephens Burke & Burke, LLP  
230 Park Avenue, Suite 1190  
New York, NY 10169  
(212) 818-9200

/s/ Matthew J. Walko

Matthew J. Walko, BBO No. 562172  
SMITH DUGGAN BUELL & RUFO LLP  
Three Center Plaza, Suite 800  
Boston, Massachusetts 02108-2011  
(617) 228-4400  
*Attorneys for Defendant Ronald Nicholson*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the date indicated below that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system; that the same will be sent electronically to registered participants as identified in CM/ECF electronic filing system for this matter; and that hard copies of this Local Rule 16.1 Agenda and Joint Statement Client Certification, and Initial Disclosures were sent via U.S. Mail, postage prepaid, to counsel for Defendant Ronald A. Nicholson: Matthew J. Walko, Esq., Smith, Duggan, Buell & Rufo, LLP, Three Center Plaza, Suite 800, Boston, MA, 02108-2011; and Daniel Gurfein, Esq., Satterlee, Stephens, Burke, & Burke, LLP, 230 Park Ave., Suite 1190, New York, NY, 10169.

Dated: November 6, 2012

/s/ Daniel J. Murphy  
Daniel J. Murphy, BBO # 656021